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DEVELOPING CRIME PREVENTION STRATEGIES IN ABORIGINAL COMMUNITIES

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PREFACE

Crime rates and problems that are associated with crime have long been a concern of Aboriginal communities and the police forces that serve them. Both agree that strategies must be developed to address these problems. However, few mechanisms have been developed to date that have had any significant impact. Arguably, this failure may be the result of a lack of mechanisms that reflect the special cultural, legal, and socioeconomic characteristics of Aboriginal communities, and the resource restrictions and duties of police forces, which have traditionally emphasized law enforcement and public safety.

In response to the needs and concerns of the Aboriginal communities and the police in these communities, the Ministry of the Solicitor General of Canada has commissioned this handbook, the purpose of which is to provide police practitioners with a guide to using the problem oriented policing approach in Aboriginal communities.

The problem oriented policing approach is not being put forth as the only policing approach to be used in Aboriginal communities. Rather it provides one means by which the police and the Aboriginal communities can work together to identify and address problems, while respecting the limitations that are placed on both by legal, cultural, and socioeconomic factors. The approach also provides a means to identify sources of information and other factors which may assist the development of crime reduction strategies in Aboriginal communities.

It is anticipated that this document will be a useful guide to police for developing crime reduction strategies in Aboriginal communities. This guide is primarily intended for Aboriginal and non-Aboriginal officers serving the Aboriginal communities. The main body of this guide includes two sections as follows:

i) a summary description of the problem oriented policing approach to crime reduction; and

ii) a guide to the application of the approach in reducing crime in Aboriginal communities, including its process, procedures and strategies.

Also, to assist officers who are less familiar with the cultural, legal, socioeconomic, and other key characteristics of Aboriginal communities, two extensive appendices have been included to provide a general description of these characteristics. It is important to emphasize that the discussion in the appendices presents a very general perspective of a diversity of characteristics. Each Aboriginal community is different from another and will reflect some or all of the characteristics discussed to a greater or lesser extent. Furthermore, the discussion in the appendices does not, and is not intended to reflect the complexity and diversity of Aboriginal communities and their characteristics.

Finally, it is hoped that this report will help foster a better understanding of Aboriginal communities and the issues which affect crime-related problems in those communities.

SECTION 1

A SUMMARY OF THE PROBLEM ORIENTED POLICING APPROACH

INTRODUCTION

A typical day for patrol officers will involve their response to a number of different incidents. Officers will usually attend to the requirements of each individual incident, then go on to the next call. Most often, the underlying problems which cause or contribute to incidents will not be addressed in any systematic sense.

Concerns related to a shortage of police resources, as well as the sometimes limited impact of existing resources on the level of crime, have led to a rethinking of how police forces should react to incidents and the problems that contribute to their occurrence.

Police managers have begun to analyze crime problems with a view to developing new, more efficient approaches to dealing with the fundamental problems related to crime. A very significant new approach is called "problem oriented policing"[1].

Problem oriented policing is an approach whereby the police and the community respond together to crime by addressing the underlying problems or factors which contribute to crime incidents. The approach is based on the philosophy that incidents of crime are most often symptoms of larger underlying factors or problems. Implementing the approach involves analyzing symptoms of criminal incidents with a view to identifying the underlying factors or problems that led to the incidents. Responses are then designed to address the underlying factors or problems.

The approach calls on police and the community to combine their resources to resolve the problems. The resources that are available to the police will depend on the size, type of policing authority, and relationship with the community. Similarly, the resources available to the community will depend on its size and remoteness from other communities.

The problem oriented policing approach ensures that responses to community problems are compatible with the specific culture of the community. Using the approach, police officers can act as leaders or facilitators in directing the community to assist in

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1 The most significant literature in this area is: Goldstein, Herman (1990), Problem Oriented Policing, New York, McGraw-Hill.

identifying, responding to, and resolving crime-related problems. The approach provides an opportunity for the community to become more involved in reducing crime and for the police to become more involved in the community.

It would not be reasonable for the police or community to suggest that the approach will enable a community to be rid of all crime. However, the approach can be useful in targeting specific crime problems, developing solutions, and reduce the level of crime using the resources available. The ultimate objective of the approach is to achieve a significant, measurable reduction in crime.

THE PROBLEM ORIENTED POLICING APPROACH

The problem oriented policing approach consists of four stages as illustrated in Figure 1 below:

Figure 1
THE PROBLEM SOLVING PROCESS

Stage 1

IDENTIFICATION

The description and selection of the problem to be addressed.

Stage 2

ANALYSIS

The unrestricted search for the cause or conditions that create or influence the problem.

Stage 3

RESPONSE

A specific strategic response based on clear, comprehensive analysis of the problem.

Figure 1 continued

Stage 4

EVALUATION
An assessment of the impact or effect or strategic response on the selected problem.

Stage 1 - Problem Identification

Before a problem can be identified, a definition of what a problem is must be determined. Dr. Chris Murphy, in his recent manual on problem oriented policing defines a problem as "a group of incidents occurring in a community that are similar in one way or another and are of concern to both the police and the public"[2].

Dr. Murphy also identifies the following three basic criteria that should be considered when determining if a problem exists.

a) **Repetition of Incidents:** It must be determined whether the problem involves a number of repeated or related incidents. Isolated or unrelated incidents should not be considered to be a problem within this definition.

b) **Relationship Between Incidents:** The incidents or events should be related in some way. The common link could be one of behaviour (e.g. vandalism or gas sniffing), territory (occurring in the same general or specific locations), or persons involved (e.g. offenders, complainants or victims).

c) **Shared Concern Between the Police and Community:** The problem must be one which concerns both the police and the community. Community means any group of concerned citizens who share a common interest in a specific problem.

Stage 2 - Problem Analysis

Once a crime problem has been identified, information relating to the problem should be gathered and analyzed. The result of the analysis will be used to determine the problem's causes, scope, and effects.

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2 Dr. Chris Murphy, (1990), Problem Oriented Policing: A manual for the development and implementation of problem oriented policing; Ministry of the Solicitor General of Canada; Ottawa, Ontario.

The analysis stage is the most important step. Developing accurate, result-oriented responses will depend on a complete understanding of the crime problems. Therefore, the analysis must be objective and based on accurate and complete facts. An open mind is the key to an accurate analysis of the problem.

There are three main factors to consider when analyzing a problem. These are:

a) **Actors:** The key people involved in the problem (victims, offenders and third parties);

b) **Incidents:** The social context that the incident occurred in, as well as the physical setting and actions taken before, during and after the events; and

c) **Responses:** The perceptions and responses of citizens and community institutions to the incidents.

Actors, incidents, and responses should be considered as guides in the analysis stage. Information related to each factor can be obtained from several sources including the police, community leaders, and community service organizations. A wealth of information is often available on each problem if the right community resources are accessed.

All information obtained should be reviewed, and common elements identified. Also, it is necessary to consider previous responses to the incidents and problems as a means of determining what has or has not worked in the past. Such an analysis should provide an improved understanding of the factors which contribute to the problem. Responses to the problems can then be based on a realistic understanding of the contributing factors, the magnitude, and the solvability of the problem.

Stage 3 - Strategic Response to the Problem

Alternative responses should be developed based on a thorough understanding of the problem. The most appropriate responses are often identified by looking at the specific factors which contribute to the problem (e.g. actors, incidents, and previous responses). Also, the selected responses usually influence directly those specific factors.

The selected responses should be developed to involve a variety of resources which may be available from the police and the community. Existing resources can often assist in developing and implementing effective solutions to community problems. The involvement and use of community resources also ensures that responses are selected and implemented in a manner that is compatible with special characteristics of the community.

Each response should include specific strategies to address specific aspects of the problem. The number and types of strategies are only limited by the imagination of those involved in the process. Specific strategies should be developed to address the specific factors which contribute to a specific problem, rather than relying on a generic approach.

The following list of example strategies is by no means exhaustive and other strategies can be developed as required. Also, it is important to note that one or more strategies can be used to address a problem or to achieve a specific objective.

1) Focused strategies: These strategies focus on the specific individuals who are responsible for a large number of incidents.

2) Multi-Organization strategies: In order to resolve some problems it may be appropriate to develop resource strategies that involve a number of community agencies and institutions. The resources of these organizations can assist in developing strategies involving specific agency interventions, developing new community structures, and implementing referral systems, alternative approaches or information sharing mechanisms.

3) Mediation Strategies: In some situations, mediation may be a more effective use of resources than law enforcement. This strategy is particularly effective where law enforcement is not considered to be the preferred response to a given situation.

4) Information, Communication, and Education Strategies: Many problems may be positively influenced by communicating problem-related information to the community. More accurate information about a community problem can increase public interest, reduce fears, and reduce demands for police service.

5) Community Mobilization Strategies: These strategies encourage community institutions to participate in the problem oriented policing process. The resources, knowledge and skills available in these institutions may have a great impact on the community.

6) Strategies That Use Non-Criminal Laws and Regulations: This strategy encourages the use of legislative or subordinate legislative powers to address problems.

7) Law Enforcement Strategies: This response involves targeting particular problem-related locations, individuals or situations with the objective of laying charges.

The expectations for success from strategies must be realistic. Not all strategies will result in the same level of success in addressing problems. The anticipated impact of each strategy must be determined before it is implemented and the effect of the strategy must be measured during the evaluation stage of the process, as discussed below.

Stage 4 - Evaluation

Two components of the approach are evaluated: the process and the response. First, the development and implementation of the response are evaluated. This evaluation of the process helps determine what factors contributed to or detracted from the effectiveness of the process.

Second, the impact of the response on the problem is evaluated. This analysis determines whether strategies were effective and if the desired solution was obtained.

Performance measures used in the evaluation should be determined prior to the implementation of the responses. This can be helped by clearly articulating the desired goals and objectives of each response. This approach ensures that the importance of the evaluation stage is recognized early in the process and that it becomes an integral part of the overall process.

Objectives which are too broad or unclear, such as "reducing crime" or "impacting factors which contribute to crime", are usually of limited value in the evaluation process and will limit the ability to determine the effectiveness of the process and responses.

IMPLEMENTING THE APPROACH

An implementation plan can be useful to guide the response activities and to provide a basis for future evaluation. Through the plan, users can clearly state the problem, goal, objective, strategies and evaluation measures that are to be applied. There is no set format for implementation plans; however, the following key elements should be included in any implementation plan.

PROBLEM STATEMENT:

The problem must be clearly stated by setting out the symptoms of the problem (the incidents) and the causes.

GOAL:

A realistic goal must be identified. It should reflect the anticipated effect of the responses on the particular problem.

OBJECTIVES:

State the objectives that must be reached in order to attain the goal. The objectives are basically individual aspects of the goal that must be addressed before the goal can be achieved. Within each objective, the following elements should be specified:

STRATEGIC RESPONSES:

Strategic responses are the means to achieve individual objectives. The strategic responses that will be used to meet each objective should be set out clearly, including the required resources and their respective responsibilities.

EVALUATION MEASURES:

The evaluation measures provide standards to be used when evaluating the effectiveness of both the process and the response. The evaluation measures can be quantitative and qualitative and can include factors such as time-frame targets, levels of resources, and recorded changes in crime levels.

SECTION 2

DEVELOPING AND IMPLEMENTING PROBLEM ORIENTED POLICING IN ABORIGINAL COMMUNITIES

This section discusses the development and implementation of problem oriented policing crime reduction strategies within Aboriginal communities. First, important legal and cultural characteristics of Aboriginal communities are presented. This section then discusses the development and implementation of problem oriented policing in Aboriginal communities, with a view to respecting and relying on those characteristics.

CHARACTERISTICS OF ABORIGINAL COMMUNITIES THAT WILL AFFECT THE IMPLEMENTATION OF PROBLEM ORIENTED POLICING

A number of important characteristics of Aboriginal communities must be recognized and respected for the problem oriented policing approach to be successful. These characteristics impact on all aspects of the approach and they must be reflected in every stage of the process. These characteristics are summarized below and a more complete discussion is included in Appendices A and B for those less familiar with Aboriginal communities.

It is important to note that, for each factor discussed below, significant differences may exist between different groups of Aboriginal people and individual communities.

The characteristics are presented in two categories: legal considerations and cultural considerations.

- **Legal Considerations** are important to understand. Legislative structures provide useful background for understanding Aboriginal communities, their practices, obligations, benefits, and the ways in which these affect community members. Specifically, whether the community members are Indians, Inuit, or Metis will determine which legislation affects the community and, in turn, the authorities, rights, and privileges that exist within the formal structures of that community.

- **Cultural Considerations** include many factors. In most Aboriginal cultures, a large portion of traditional values have been retained. However, the cultures as a whole have usually been influenced by non-Aboriginals. The extent of the influence in each Aboriginal community will depend on several factors, including geographical location, level of contact with non-Aboriginal cultures, and level of interaction with non-Aboriginal cultures.

  Several factors should be included under the heading of culture. The following are likely to be the most important to consider when implementing the problem oriented policing approach. As discussed in the preface, it is important to recognize that the extent to which the following characteristics are present and are significant will vary from one community to the next.

  a) Spirituality as the foundation of culture;

  b) The significant influence of Elders;

  c) The importance of the community over the individual;

  d) The value of traditional forms of control over behaviour;

  e) Aboriginal views of historical non-Aboriginal influence;

  f) The relative importance of formal and informal authority structures;

  g) The unevenness of socio-economic conditions;

  h) The opportunities provided by the external, internal, and police resources available to the communities; and

  i) Aboriginal frustration with the Criminal Justice System.

IMPLEMENTING PROBLEM ORIENTED POLICING IN ABORIGINAL COMMUNITIES

To be effective in Aboriginal communities, the problem oriented policing approach must be altered to reflect the characteristics of these communities. Even though the police will play the lead role in developing and implementing the approach, they must recognize the desire of the community to be very involved in matters which affect them directly. Involving key individuals from the community, particularly Elders and leaders, will encourage the participation of community resources.

The Importance of Gaining Support

Before attempting to implement the problem oriented policing approach, the confidence and support of the community must be won. Previous attempts have been made by police to implement programs which would impact on community crime problems. Unfortunately, most have had little success because they were developed without the involvement of the community.

The following steps can help to gain community support.

Developing a Police/Community Relationship

The problem oriented policing approach requires a positive working relationship between the police and the community. The police must understand and accept the culture, issues and other factors that influence the community. At the same time, the community must understand and accept the role of the police and the formal and informal practices that influence their operations.

The relationship between police and community resources is particularly important to encouraging communities to participate actively in crime prevention and reduction. As a first step, key community resources should be contacted and a relationship should established to encourage regular interaction[3].

Another approach to developing a relationship with a community is to become involved in community activities. It is clear that the greater the interaction between the police and the community, the more quickly a relationship will develop. This is best accomplished through non-enforcement patrols and by participating in cultural, social or sporting events. An interest in the community and respect for the local culture can be demonstrated by non-official visits to Elders, community leaders and Aboriginal organizations. If the police involve themselves, they will improve their relationship and increase their understanding of the key issues and players in the community.

There are two opposing views on the relationship between crime reduction strategies and a positive relationship between the police and the community. The first suggests that reducing crime levels will demonstrate the effectiveness of police resources and efforts, thereby paving the way for good community relations. The second view supports the notion that a positive relationship is a necessary prerequisite to reducing

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3 Murphy; Muir, (1985) Community Based Policing: A review of the Critical Issues; Ministry of the Solicitor General of Canada, Ottawa, Ontario.

crime, primarily by encouraging community support and involvement in crime problems, which are often based on social disorder. Problem oriented policing in Aboriginal communities is based on the second view. The special cultural characteristics of most Aboriginal communities will require that the communities participate in the process. It is generally believed that little can be done to influence the causes of crime in Aboriginal communities without the support of key individuals in the community.

Some local police officers have had success in developing community relationships by visiting "problem" residences and other individuals in a non-enforcement capacity, meeting with Chiefs and councils, and participating on local committees. As well, some forces have been involved in community events such as children's Christmas parties, sporting events and local social and cultural events. In almost all cases the police officers gain an understanding of the individuals they deal with, which results in a more positive interaction during future incidents or investigations, and greater cooperation in discussing local issues.

Such relationships are positively viewed by community members. They begin to see police officers not only as enforcers of law, but also as individuals who are concerned about the communities they serve. The development of a positive relationship will result in more than good feelings between the community and the police. There will be a basis for understanding mutual needs, concerns and constraints.

A positive relationship between the police and the community will likely take time and depends on the community's historical relationship with the police, the commitment of the police, and the degree to which the police involve themselves in the community. In some communities, the existing relationship between the police and the community may be an obstacle to the implementation of a crime reduction strategy. If such a situation exists the police must actively pursue a positive working relationship.

All members of the force or detachment should be encouraged to participate in the process. The police force or detachment should incorporate the problem oriented policing approach into its operational policy, whether formally or informally. A formal policy is more effective since it will encourage explicitly members to become involved and will demonstrate to the community that the police are committed to the process.

Developing Community Support and Involvement

Once a positive relationship between the police and the community has been developed, the police should present to community leaders a proposal for implementing the problem oriented policing approach to crime reduction.

Community leaders should be convinced of the value of the approach to the community. Several factors will influence the community's reaction to such a proposal, including the success or failure of previous programs, the history of community involvement, and the level of success in developing a positive relationship between the police and the community. The police should be prepared to address any concerns and indicate that the approach itself will help in overcoming existing obstacles.

If the community leaders are divided or if they have conflicting philosophies, then underlying issues must be addressed. It may not be possible to resolve these issues entirely. However, the potential impact of these community leaders on the success of the approach is so important that an attempt must be made to address and reconcile their concerns. Elders should be consulted to determine if divisions exist, their potential impact on the project, and to identify possible resolutions.

There are a number of steps which can assist in gaining support for the problem oriented process in the community:

1. Discuss the process with Elders and community leaders on an individual basis to obtain their support, to ensure that they understand the approach, and to obtain their views on what factors will influence the community's acceptance of the proposal. The assistance of one or two key individuals in the community to recruit other individuals may be a useful approach. It is important to clarify to these individuals that the process will not always provide an alternative to the criminal justice system and the laying of charges.

2. Attend meetings of the formal community leaders to convince them of the benefits of the proposal. It may be beneficial to have an Elder or other community leader who supports the proposal attend and speak on behalf of the concept. Provide a summary description of the problem oriented policing process to those in attendance. It may be useful to provide copies of this document or, at least, copies of Section 1. Several meetings with community leaders may be required before they are willing to commit themselves. Take as much time as necessary and let them decide at their own pace.

   Formal commitment of the community leaders should be obtained through a band council resolution (for Indian reserves) or by some other declaration.

3. Once formal support from community leaders has been obtained, a core group of Elders and/or community leaders should be selected to be directly involved in the problem oriented policing process. This group should not be too large, but should include as many of the influential community leaders as possible.

   A facilitator who understands the approach and process should then be chosen. Often, the person in command of the local police force or detachment is the most suitable for this role. Also, a community leader could be named as co-facilitator.

   Once the group has been formed, the problem oriented policing process can begin.

Stage 1 - Defining and Identifying Problems

The first stage in the process is to have the group agree on the definition of a "problem" within the context of problem oriented policing.

An accepted definition of a problem is a group of incidents that are similar in one or more ways and are of concern to both the police and the community. This recommended definition is broad enough to encompass a variety of concerns, and allows for the involvement of police in addressing the more fundamental problems of the communities.

Defining potential problems also provides an opportunity to explore the different concerns of the police and the community. For example, the police may believe that problems should be restricted to matters of a criminal or quasi-criminal nature, whereas the community may believe problems are any matters of socioeconomic concern to the community. These issues must be addressed to achieve a common understanding of the group's concerns and to develop a common purpose.

The following criteria should be applied when defining a problem within the context of problem oriented policing:

1. A problem should relate to a number of related or repeated incidents. An isolated incident, no matter what its impact on the community, is not defined as a problem for the purposes of this approach.

   In smaller, isolated communities, a handful of incidents with a high impact on the community may be considered a problem even if there is no clear evidence that they are related. The incidents may not appear to be connected

by any means other than the root cause of the problem. High rates of unrelated crime in a community could be examined as a potential problem to determine if there is a common cause or contributing factor, such as alcoholism or some other deep-rooted social problem.

2. There must be some relationship between the incidents; for example, a number of "Break and Enters" to the same building or in the same area, or a number of incidents of violence at the same location or amongst the same or similar individuals.

   In some situations it may not be possible to link the incidents together. However, the underlying causes of the problem may be related in some way. In Aboriginal communities, significant social problems may be the cause of a number of different types of otherwise unrelated incidents.

3. The incidents must relate to a problem that the police have some capacity or authority to address. The group may agree that any criminal or quasi-criminal problem will constitute a problem within the realm of police responsibility.

   In discussing these incidents and the individuals involved, the group must be made aware of the legal implications and constraints associated with sharing information related to individuals. Of particular note are the provisions of the Privacy Act, the Access To Information Act, and the Young Offenders Act which may limit the extent to which information can be divulged to group members.

Identifying Community Problems

Once the group has reached agreement on the definition of a problem, they must identify the problems that exist in the community. First, incidents and related information should be reviewed.

Some incidents may be readily identifiable, but others may be unknown to individuals outside of the community. In one example, an R.C.M.P. detachment had not received reports of sexual assault in their detachment area for several years, whereas they discovered that incidents were still occurring. An investigation into the matter led to the discovery that these incidents had been widely discussed in the community, but had not been reported to the police. The problem was so significant that one individual was reported to have committed over 40 sexual assaults.

This example demonstrates that police forces may not be aware of all of the incidents and problems in the community, particularly when these problems relate to cultural, socioeconomic and family issues. These problems are significant to the problem oriented policing process.

The group must consider both the obvious and the "hidden" problems in a community. Hidden problems will only be identified through ongoing dialogue and the development of positive relations between the police and other members of the core group.

It is important to remember that the values in an individual Aboriginal community may influence the community's concept of a problem in the same way that the values of police organizations influence the police force's concept of a problem.

The police may feel that a certain group of incidents constitutes a major problem, while the community may view the problem as being less significant. The group must consider how various crimes are viewed by the community and how the community has reacted. For example, thefts in the community may have gone unreported or unresolved for a number of years due to the low priority given to material goods by many Aboriginal cultures. Also, problems resulting from alcohol abuse may not be reported, because many may believe that substance abuse can not be resolved. It should be kept in mind that the community members are the ones who are most affected by the problem and, ultimately, are in the best position to understand the nature and impacts of the problems.

Selecting a Problem for Resolution

If a number of problems are identified by the group, the group may need to determine which problems should be addressed first, particularly if the community does not have adequate resources to address all the problems at one time. Determining which problems should be addressed first can be done through several means, including consensus or majority vote.

It may be necessary to address more than one problem at a time, particularly if there is a strong relationship between them. Multiple problems should be selected carefully to ensure that the resources are not over-committed.

The problems selected by the group should be clearly set out in a specific written statement. The problem statement should include a clear and specific description since this will serve as a guide for later steps in the process.

Stage 2 - Analysis of Problems

The analysis of problems is the most important stage in the problem oriented policing process. During this stage, the symptoms and causes of a problem are researched to develop appropriate responses. Therefore, the analysis stage must include a review of all factors which may influence the problem.

Usually, problems that involve cultural considerations may influence a community's perception of those problems. Also, the community's view of the factors that may affect or cause the problem may differ significantly from that of the police. Because of this, the analysis of a problem in an Aboriginal community must be conducted within the context of the legal, cultural and socioeconomic characteristics which influence that community.

Differences in perspective should not be a barrier to the analysis of a problem. All views should be considered and the group should be encouraged to reach consensus on the primary influencing factors. This may mean that components of all views should be accepted as being correct.

Identifying the Causes and Symptoms of a Problem

A problem usually consists of symptoms and causes. In the problem oriented policing approach, crime incidents are usually considered to be symptoms of underlying problems.

A problem's causes are those factors which contribute to or create an environment which allows for incidents to occur. These factors may include poor socioeconomic conditions, opportunities for criminal involvement, or a lack of sufficient police and community resources to address social or crime related problems.

There are two categories of causes: fundamental causes and temporary causes. Fundamental causes would include long term social problems such as family violence or high levels of alcoholism in the community. Problems which result from this type of cause will require significant effort and resources to resolve.

Temporary causes such as a bootlegger in the community are more easily addressed and will likely require fewer resources to address than fundamental causes.

The fundamental causes of some problems may be very difficult to identify. Issues such as the loss of subsistence hunting or the social breakdown of communities are often considered to be fundamental causes a problem.

Groups analyzing problems should focus first on the more identifiable causes such as alcoholism, a lack of parenting skills, or opportunities for crime.

The analysis of a group of symptoms will hopefully reveal factors which will help to identify a problem and its underlying causes. For example, an analysis of several gas sniffing incidents by the group may reveal that the individuals involved are frustrated over a lack of recreational, educational or employment opportunities. The symptoms of the problem are gas sniffing incidents, and the cause may be the lack of recreational opportunities.

The symptoms of a problem will often indicate whether the cause is fundamental or temporary in nature. Incidents such as spousal assault may reflect a breakdown in a community's social structure and traditional cultural identity, which are fundamental causes. Incidents such as vandalism or "Break and Enter" for profit are often reflections of temporary causes. Symptoms of temporary causes are often opportunity-based and brought on by a shift in the communities social or economic condition.

Factors to Be Considered in the Analysis of Problems

The nature, scope and impact of incidents should be considered when analyzing a problem. This can be done in a structured approach by analyzing the influence of actors, incidents and responses. Each factor should be analyzed to determine its influence on the problem, then categorized as a symptom or cause. A discussion of these factors is provided below.

Actors

All actors in the problem must be analyzed, including victims, offenders and other individuals. The analysis must determine who the key actors are, what influence they have on the problem and what common elements exist between them. For example, the analysis could determine that the victims or offenders are from the same age group or family situation, or are from the same or similar residences. If the "victim" is not a person, such as band property, local school(s) or business(es), similarities between these should be investigated.

The individuals involved must be categorized into possible causes or symptoms. The best approach to do this is to determine whether their actions contributed directly to the incident. The most obvious result is often that offenders will be identified as the causes of the incident and the victims will be symptoms. However, situations exist where the distinction may be less clear. For example, a business may partly be the cause of a problem by not properly protecting itself from criminal activity. By not locking up goods or improperly lighting their premises, they may be contributing to the incident.

Incidents

The analysis should review the social context in which the incidents occurred; for example, whether all occurred at house parties, in a family setting, during or after social events, or by individuals roaming the community out of boredom and looking for something to do. Often the community will be able to provide useful information on the social context in which the incidents occurred.

The incidents must also be categorized as either causes or symptoms. For example, a number of acts of family violence could be considered a symptom of a deeper problem such as high rates of alcoholism in the community. It is important to note that categorizing incidents may be very difficult. Therefore, the group should carry out the analysis to the extent possible, but not delay the process unduly in an attempt to resolve potential complexity in this area.

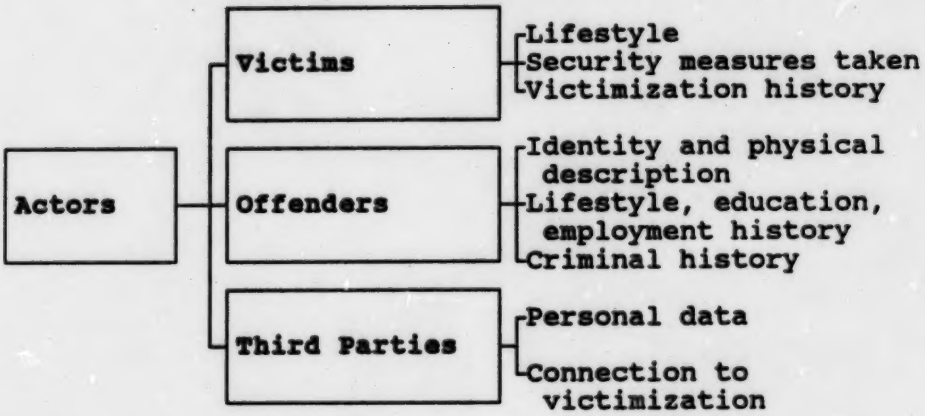
Responses to the Incidents

The analysis should review the perceptions and responses of the police and the community to the incidents.

If the problem had been responded to before, the nature of the response, its impact, and factors which contributed to it's success or failure must be analyzed. Likely, the previous response was not entirely effective since the problem is still an issue. The previous response may have been incorrect or lacked some element which could have made it more effective. The previous response should be analyzed to determine how the response failed, what aspects of the response were of value and how they may be considered in light of the problem in it's present form.

The above factors serve as useful guides in the analysis stage. After reviewing these factors, the group should have gained an understanding of the causes, symptoms and factors affecting the problem. The group can then begin to consider approaches to addressing the problem. Figure 2 below illustrates the process.

Figure 2
THE PROBLEM ANALYSIS GUIDE[4]



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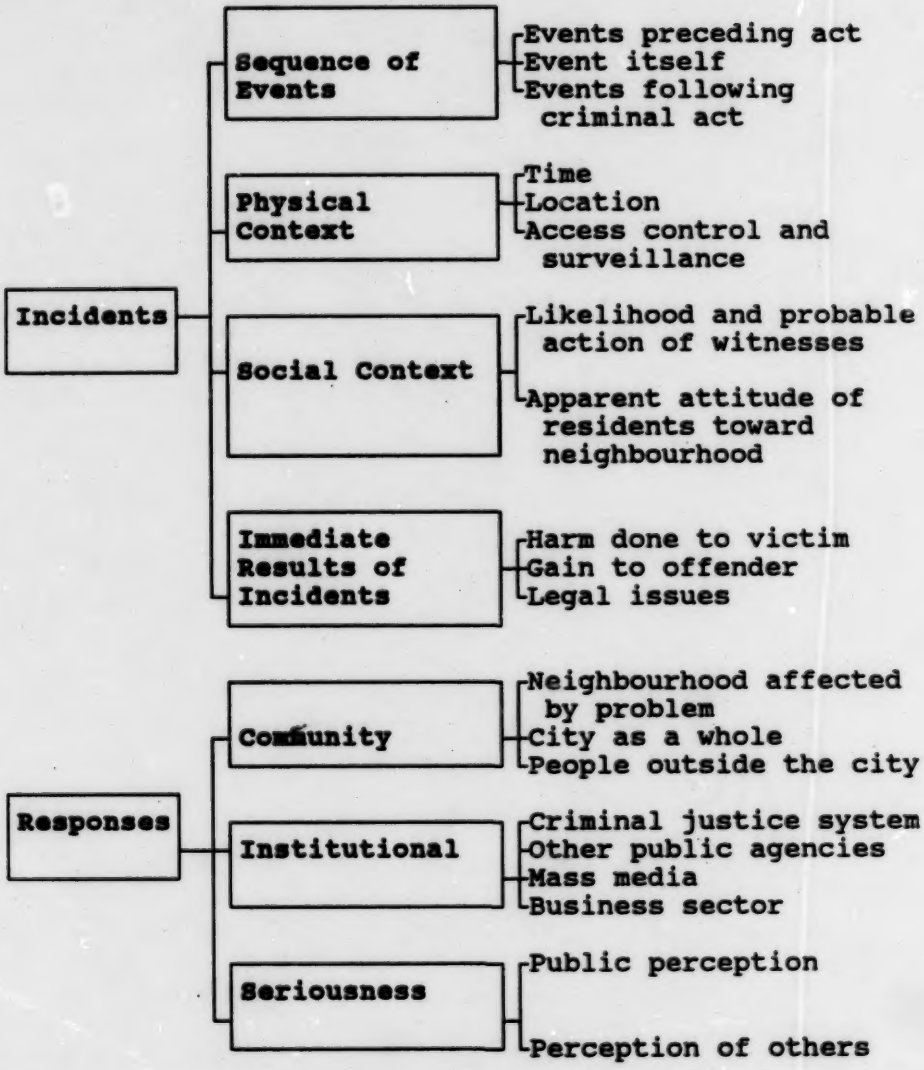
[4] **Eck, John E. and William Spelman.** 1987. Problem Solving: Problem-Oriented Policing in Newport News, Police Executive Research Forum and National Institute of Justice, U.S. Department of Justice. Available through the Police Executive Research Forum, 2300 M Street N.W., Suite 910, Washington, D.C. 20037, U.S.A. Ph.: (202) 466-7820.

Figure 2 continued



Stage 3 - Developing a Response to the Problem

Once the group has analyzed the selected problems, they can develop strategic responses to the problems. The group should identify a number of possible responses and then select one or more based on the goal and objectives they wish to achieve.

Selected responses should reflect the concerns and issues that are important to both the community and the police. For example, the community cannot reasonably expect the police to support responses that circumvent the criminal code or policy directives regarding charging, even if the responses reflect the cultural considerations of the community. Similarly, the police should respect the community's ability to address certain issues using cultural means such as mediation of non-criminal disputes. Therefore, responses should not exclude law enforcement approaches; however, cultural approaches should be considered whenever possible.

In some situations the group may have to develop short term responses to causes and symptoms. This may be necessary to make the community safer in the short term. Also, it may be impossible to implement all the selected responses due to a lack of resources. In other cases, the causes of problems may be so numerous or complex that the only practical response may involve addressing only the symptoms of the problem. For example, in a community with a long term cause of substance abuse, it may be necessary to develop responses to shorter-term causes such as family violence or sexual assaults.

Problems associated with fundamental causes often have to be addressed in a separate context using long term responses. These efforts require a significant planning, participation, and resources. The success and knowledge gained in implementing responses to short term problems will greatly assist in the implementation of longer term responses.

Several types of strategic responses are available to address problems. The following paragraphs provide examples of different types of strategic responses.

1. Focused Strategies

Focused strategies should be used to address situations where a small number of individuals are responsible for a number of incidents. The responses are directed toward the individuals who directly contribute (cause) the problem. The objective of these strategies are to alter the actions of the individuals or the circumstances under which the incidents are occurring, so that the environment which causes or contributes to the problem will be eliminated.

A typical example of a focused strategy may be a situation where a bootlegger is selling alcohol to youths in the community who subsequently become intoxicated and commit a number of criminal offenses. A focused response would be to have the community gather evidence to charge the individual.

In another example, a small community may be having problems with a number of youths. As a focused strategy, the individuals who are considered to be the leaders could be approached and either counselled, charged or influenced by other measures.

2. Multi-Organizational Strategies

This type of strategy involves the coordination of several resources in a structured, long term response. This may be appropriate for problems based on fundamental causes. For example, this type of strategy could be used where the community has a high rate of alcoholism in its adult population. The strategy may involve coordinating resources such as the community Aboriginal organizations, the courts, prosecutors, social services, probation officers and substance abuse agencies to assist in dealing with the problem.

The group should look at the mandates of each resource organization and use the aspects of their mandate which will assist in addressing a particular aspect of the problem. For example, prosecutors and courts could be asked to make alcohol prohibition orders for individuals sentenced for alcohol related crimes.

Some communities may not have direct access to external resources. In such situations, the internal cultural resources of the community are likely to be the most available and useful resources.

3. Mediation Strategies

Mediation may be appropriate to resolve a disagreements, such as disputes between individuals or groups. For example this strategic response could be used in a dispute over band property or lands or where individuals are arguing over contractual obligations (e.g. one person owing money to another). The mediation group could work with the individuals in an effort to determine if there is a debt obligation and if so, how it is to be repaid.

Such mediation can be based on a number of formal structures, including provincial mediation legislation, or the community's subordinate legislative powers. Communities can appoint an individual or group mediation units for non-criminal matters.

The extent to which this type of strategy may be used is only limited by legislation (e.g. the Indian Act by-law powers) and the imagination of the individuals.

4. Information, Education and Communication Strategies

Problems within a community can be based on a lack of information or understanding of legal, social issues or other obligations. Some matters, such as family responsibilities or laws relating to alcohol consumption, could be addressed by conducting community workshops, information sessions or life skills programs. Also, the dissemination of information could assist in educating the community on local problems and issues and attempts to resolve them.

Such strategies have been successful to explain new legislation or changes in government policies in Aboriginal communities where offenses were being committed by individuals who were not familiar with duties under the revised laws, for example, provincial child welfare legislation.

5. Community Mobilization Strategies

Direct action by the community and its institutions may be one of the most effective means of resolving local problems. The more community institutions and organizations involved in addressing community issues, the greater the chance for success.

In Aboriginal communities, this type of strategy utilizes community members, including Elders as educators, to resolve non-criminal disputes in a traditional manner. At the same time, this type of response helps develop community cohesiveness.

Aboriginal communities have recovered from long term, fundamental social problems by getting the entire community to participate in traditional cultural activities as a means of addressing those problems.

6. Strategies Using Non-Criminal Laws and Regulations

A number of legislative and regulatory approaches can be used to address specific aspects of a problem. Legislative capacities, such as Indian bands' authority to make by-laws, can be used to address problems such as truancy, alcohol consumption, and the rights of individuals to enter individual Indian reserves. Such legislation can be a valuable tool for addressing local problems.

As an example, some Aboriginal communities have used legislative powers such as band by-laws under the Indian Act to prohibit the sale of potentially harmful products used in "sniffing" incidents.

7. Use of Law Enforcement

The problem oriented policing approach does not restrict the ability of police officers to enforce laws as part of a strategy to resolve problems. In cases where these strategies are used, other components of the criminal justice system should be made aware of the objectives as they may be called on to play a role in addressing the problem. For example, local crown prosecutors should be made aware of the reasons for the strategic enforcement of certain laws so that they can support the strategy through prosecution and sentencing. A strategy involving the enforcement of spousal

assault legislation would be greatly helped by a crown prosecutor who understands and respects the community's concerns, and other factors which contribute to the problem. To support the strategy, offenders could be sentenced differently than would occur otherwise.

Determining the Desired Effect of a Strategic Response

Each selected strategic response should be designed to address a particular aspect of the problem and should have a specific goal. The specific goal provides a basis for evaluating the response.

The group selecting the responses should have realistic expectations of the desired effect. They must recognize that the responses are not likely to eliminate all problems in the community. However, they should expect that each strategic response will contribute to measurable solution.

The group should pre-determine the impacts and outcomes they wish to achieve and set accurate and realistic standards by which these will be measured. A series of impacts and outcomes can result in a specific solution, which in turn can address a specific component of the problem.

To more easily measure whether intended solutions are achieved, responses can be organized into five groups as follows:

1) Solutions designed to eliminate a problem

Some minor problems can sometimes be completely eliminated using certain strategies. These problems are usually the result of the actions of a small number of individuals or have a relatively small impact on a community. The problems can be eliminated by specifically targeting the actions of the individuals or situations which contribute to the problem.

2) Solutions designed to substantially reduce a problem

For a community's fundamental problems, responses may be directed at solutions that reduce the problem. For example, in the case of alcohol abuse, better controlling the availability of alcohol in the community is likely to substantially reduce the frequency of offenders' violent behaviour.

3) Solutions to reduce the harm or impact of a problem

In some situations it may be difficult to address the problem itself, perhaps due to the extreme amount of time and/or resources required. In such situations, the desired short term solution may be to reduce the impact on the

primary and secondary victims of the problem. For example, a community with a high rate of family violence may have to achieve short term solutions such as reducing the harm or impact of the problem by establishing "safe houses" or other protection services for victims. A long term solution, such as substantially reducing the problems spousal assault will take a large amount of resources and more time. Also, responses such as prevention measures or post-incident counselling may serve to reduce the opportunities for subsequent incidents.

4) Solutions designed to improve police responses to the problem

For some types of problems, such as runaway youths or suicides, little can be done other than improving the type and quality of responses provided by the police and other community service delivery agencies. These responses would strive to improve the skills of police and service delivery personnel to respond in a more effective manner. For example, a local area mental health worker could provide the police and other agencies with training on recognizing and responding to individuals with mental health problems.

5) Solutions designed to address problems resulting from a group or organization's operating policies

Some problems may result from the operating procedures of a particular group. The group must be convinced to change their operational policies. If that fails, then the band council or other community leadership with by-law making capacity may use their powers to force the group or organization to comply. For example, if a problem of gas sniffing exists in a community, the community could create a by-law which requires all gas containers to be locked or stored in an area which is not accessible to youths.

Once the group has identified, analyzed, and determined how to respond to a problem, they must determine what resources will be required to achieve the stated goals. They must also consider the most effective means of obtaining and utilizing using those resources.

In developing responses, the group should draw on all the resources available to it. The resources available to most Aboriginal communities can be included in three groups: internal resources, external resources, and police resources.

Internal Cultural Resources

Some forms of internal resources exist in most Aboriginal communities. Usually they are services within the community, for the benefit of that community. These resources are often based on the traditional cultural characteristics of the community and in many cases are based on the of that culture.

Elders, formal and informal leaders, and cultural organizations, such as aboriginal societies or spiritual groups, are internal resources based on culture. These can be used to ensure that aspects of the community's culture are reflected in responses. For example, the skills and knowledge of Elders and spiritual groups can be used to develop responses to problems associated with causes such as a low self-esteem or a lack of identity amongst youth in a community.

It is important to recognize that Elders, community leaders and cultural/spiritual groups must be involved in a manner which is consistent with their role within that culture. The nature of their role will depend on the nature of the individual or group's role in that culture and their present level of involvement or stature in the community.

Other internal resources available to Aboriginal communities include teachers, clergy, and individuals who have obtained status through academic, athletic or career achievements. They can serve as role models for other individuals and may influence them as part of a specific response strategy.

It is not unusual for one community to share its internal resources with another. Elders, leaders and role models often travel to other communities where they assist in the development of community programs. The community of Alkali Lake in Northern British Columbia was assisted by Elders from Alberta to address some fundamental causes of community problems. The result was the virtual elimination of alcohol abuse and a substantial reduction in alcohol related problems[5].

The internal resources of a community are usually the most effective tools for addressing problems of a community.

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[5] For more information on Alkali Lake and their approach to resolving community crime problems see: The Honour of All, a video tape which is available through the Alkali Lake Band, Alkali Lake, B.C.

External Resources

These resources can be characterized as resources which exist independently from and operate outside of the jurisdiction and control of the community or the police. They may serve to address some of the socioeconomic factors which contribute to increased levels of crime.

External Resources are often regional or provincial and usually serve a number of communities. They do not usually focus on one particular community or its problems. These resources may take the form of Aboriginal or non-Aboriginal service delivery organizations, government agencies or departments.

The group should be careful in selecting the external resources to include in the response. Many external resources, such as criminal justice and health and social workers provide their services to the community either on a routine basis or in response to specific calls for service. Aboriginal leaders have stated at times that the infrequency and short duration of these visits does not always provide these resources with sufficient opportunity to acquaint themselves with the communities and their special characteristics. The lack of familiarity with the community and its culture may be viewed as a lack of concern. This may limit the value of these resources in implementing responses.

Alternatively, external resources can be particularly valuable. In particular, some external Aboriginal organizations have been effective in facilitating the sharing of information and technology, and in providing training to the communities. They are very knowledgeable on issues such as government structures, funding sources and other resources which the community may utilize.

An example of such an organization is Native Counselling Services of Alberta. This organization has assisted all levels of government, numerous service delivery agencies (including various police forces) and Aboriginal communities in the development ofprograms. They have assisted in situations that required an intimate knowledge of both the Aboriginal community and the social services or criminal justice systems. Their knowledge and experience may be of great assistance in implementing responses in the problem oriented policing approach.

Police Resources

The respect that is held for police officers in small communities may provide an opportunity for the police to be leaders or facilitators in the process.

Also, police forces have the capability to statistically analyze crime trends, and have the ability to identify key players, either offenders or individuals who may assist in the resolution of crime problems. Police resources will greatly assist in the problem identification and analysis stage of the process.

The police do have a responsibility to prevent crime and, therefore, to assist in the development of crime reduction strategies. However, this responsibility should not interfere with their primary duty of public protection. Rather, the police should look to their law enforcement duties as a resource which, in addition to other duties, can be used to reduce crime in a community.

Where possible, police organizations may rely on their own officers to access the internal resources of the community. Aboriginal police officers or those who have experience with Aboriginal communities should be included in this process. Their knowledge should help develop relationships with internal and external resources in an effort to gain their support and involvement in the process.

Often, the police are in a position to encourage role models to visit the community and discuss their endeavour and successes. Aboriginal role models who have succeeded in athletic, academic, entertainment, or cultural endeavour can help to demonstrate to the community's youth that opportunities exist and that goals are attainable.

An example of the use of role models emerged when the R.C.M.P., Native Counselling Services of Alberta, and the federal and Alberta governments provided the opportunity for a popular Indian entertainer to visit a number of Northern Alberta communities. The tour was a success in terms of encouraging Indian youths and in developing police-community relationships. The tour was such a success that it was repeated in B.C., the Yukon and the N.W.T.

This role is also rewarding for the police. The community appreciates efforts such as the role model approach and recognizes the police force's interest in addressing problems in the community.

It is also an example of how the internal resources and police resources of a community can work together to address problems[6].

External, internal, and police resources should all be considered when developing and implementing the problem oriented policing approach. Few community problems would not require the involvement of all three types of resources. Therefore, all three resources should be involved in responses.

It may be useful for the group to host a workshop or a traditional feast and dance to introduce the project to other community resources and to gain further support. This approach is especially important in communities where tradition is important and the public display of support by community leaders will encourage community support.

It is important to remember that the core group is responsible for the development of the project. They should be careful in handing over discretion to other resource organizations and they must ensure that the problem oriented policing process is followed. This does not imply that other resources should not be called on address specific aspects of the problem. In fact, it may be useful to delegate certain aspects of the problem to those with the mandate and resources to achieve most effectively the desired results. However, the community should not turn over ownership of the process to others. The problems to be addressed are part of their community and they should share in the problem resolution process. This will ensure that the community, not just the police, is viewed as the owner of the project.

Since many of the core group members will likely be formal or informal community leaders, they will have a degree of authority and influence over the internal and external community resources. This will help ensure that, even though some tasks may be delegated to another organization, responsibility for resolving the problem remains within the group and is not "passed along' to a separate organization.

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[6] For information regarding various policing models, powers and authorities for Aboriginal policing see the discussion contained in: Depew (1986) Native Policing in Canada: A review of current issues; Ministry of the Solicitor General of Canada, Ottawa, Ontario.

Stage 4 - Implementing and Evaluating Responses

Implementing a response may call on a number of resources to work in concert to address various aspects of a problem. The group facilitators will be required to exercise their leadership skills to ensure that the resources work together effectively and efficiently.

The tasks involved in implementing the response will be dictated by the nature of the response itself. These tasks should be defined during Stage 3 as the responses are developed. The specific tasks associated with each response should be identified, and the person or group responsible for undertaking each task should be clearly set out. Explicit agreement should be sought from each participant to ensure that they understand their part and are committed to its successful completion.

After a response has been implemented, it should be evaluated to determine its effect on the problem. The evaluation process is guided by the explicit evaluation measures set out in the implementation plan and is directed at two components: the process and the response. The evaluation of the process will determine whether the response was implemented as planned and whether all participants fulfilled their assigned tasks. The evaluation of the response determines whether it had a measurable impact on the problem and whether the desired solution was achieved.

A realistic and accurate evaluation of the response will reveal the extent to which the problem was affected by the response and whether further responses are required. It will also serve to record how the strategies worked and may serve as a template for other communities with similar problems. To facilitate the exchange of experiences with other Aboriginal communities and police forces, the process used and the evaluation should be documented.

The actual timing of the evaluation will depend on the type of response and solution selected. Responses directed at symptoms and temporary causes may be evaluated after a relatively short period of time, whereas responses to fundamental causes should be evaluated after a longer time period since the effect of the response may not be seen for one or more years.

Developing an Implementation Plan

A formal implementation plan is the most effective tool to guide the implementation and evaluation of a response. The plan should be discussed and documented prior to taking any response-related action. It should explicitly set out the problem, the intended goal and objectives, the strategies for achieving the objectives, and the meas of evaluating the outcome.

An example of an implementation plan is set out below. The example provides only an overview of the components and does not provide detail of the tasks and responsibilities which would be expected in a real plan.

Example

PROBLEM STATEMENT:

A high number of incidents of vandalism are occurring in the community. The incidents (symptoms) are caused by a number of teenagers who are being supplied alcohol by bootleggers in the community. The high rate of teenage alcohol consumption is attributed to the lack of cultural and recreational opportunities in the community (cause). The problem is an abuse of alcohol by teenagers.

GOAL:

Reduce alcohol use by teenagers in the community and in doing so, reduce incidents of vandalism.

OBJECTIVE No. 1:

Decrease the incidents of vandalism by charging individuals involved in the incidents of vandalism.

Strategy: The police and the other members of the group will work together to identify and charge the young offenders who committed the vandalism. A request will be made by the group to the prosecutor requesting that sentencing include measures such as community service work to repair damages caused by vandalism and a no alcohol consumption order.

Evaluation Measure: If the police and the community work together to investigate and charge offenders and the courts support the communities efforts, the approach taken will have been effective. The effectiveness of the process will be determined by the success in identifying and charging the individuals responsible, and the type of sentencing given. The effectiveness of the strategic response will be measured by a decrease in incidents of vandalism.

OBJECTIVE No. 2:

Decrease teenage alcohol consumption by providing alternative forms of cultural and recreational opportunities.

Strategy: The group will work with the local school and recreational resources to develop structured, regular recreational opportunities such as organized sports, camping trips and recreational training camps. If facilities such as a baseball field are needed, the youths should be encouraged to participate in building the facility. Elders will work with the police, community leaders and school to organize cultural events such as wilderness and survival training, sweat lodges, dances or similar events.

Evaluation Measure: The process will be evaluated on the basis of the support and involvement of the resources in developing the recreational and cultural opportunities. The effectiveness of the strategic response will be measured by the number of teenagers (identified offenders and non-offenders) who are participating in the process and the decrease in the number of incidents of teenage drinking.

OBJECTIVE No. 3:

Decrease the availability of alcohol by actively pursuing charges against the individuals who are bootlegging.

Strategy: The police and the community will work together to identify and prosecute individuals who unlawfully sell alcohol on the reserve. If the individuals persist in their unlawful activities, the band council will enact by-laws prohibiting the individuals from entering reserve lands.

Evaluation Measure: The process will be evaluated by determining the extent to which the police and band council worked together and performed their individual roles in the strategy. An increase in the number of charges and a decrease of incidents of bootlegging will determine whether the strategy has been effective.

APPENDIX A

LEGAL STATUS OF ABORIGINAL COMMUNITIES

The term "Aboriginal people" is used to describe three distinct groups of people who are descendants of Canada's indigenous people. Canada's Constitution defines Aboriginal people as either Indian, Inuit or Metis.

Each group differs from the others in terms of cultural, legal and historical status. Within each group, there are many smaller communities, each with their own cultural, legal and socioeconomic identities. Significant differences exist between different groups of Aboriginal people and individual communities.

The legal factors which influence the relationship between Aboriginal and non-Aboriginal cultures is primarily governed by the Constitution Act, 1982[7]. The Act sets out the roles and responsibilities of the federal and provincial governments in relation to Aboriginal people. Those relationships are further affected by treaties, negotiated settlements and various federal and provincial legislation.

The legislation, treaties and agreements identify the three groups of Aboriginal people in Canada and provide them with legal identities and powers. These powers include subordinate legislative powers and limited governmental control in their communities. These legal factors also determine who has legal Aboriginal status, as well as determining the benefits, obligations and impact of that status.

A number of factors should be considered when addressing the legal status of a specific Aboriginal community and the benefits its members derive from that status. These factors are: 1) What type of Aboriginal group is it? (Indian, Inuit, Metis) 2) What legal authority does the community have in terms of subordinate legislative powers? 3) What treaty, negotiated settlement or other specific rights have been granted to that community by the federal or provincial governments?

A starting point to determining these factors is to understand the generic legal status and influencing factors of each group. These factors are discussed below.

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[7] Constitution Act (1982), R.S.C. 1985, Appendix II, no. 44.

Indians

The Constitution of Canada provides the federal government with jurisdiction over Indians and all lands reserved for Indians. The federal government exercises its jurisdiction via the Indian Act[8]. This statute sets out the rules which define Indian people, their legal rights, and the relationships that exist between Indians and the federal and provincial governments.

In general terms, a person can be considered to be an Indian in one of two ways. The first is to meet the genealogical criteria set out by the Indian Act which details how a person can obtain the legal status of being an Indian. The legal recognition allows the individual to receive certain legal and financial benefits, such as exemption from certain taxes, educational allowances, and health services. This legal criterion determines whether the person is a "status" Indian. The second way is to be recognized by the band to which he/she belongs. A band is usually a group of status Indians whose ancestors were affiliated through cultural, political, and geographical ties. When a band places the individual on the "band list", they become a member of the band, but do not enjoy the legal status of an individual who is recognized by the Indian Act - they are a "non-status" Indian.

Prior to 1985, the Indian Act contained provisions which removed status from Indian women who married a man who was not a status Indian. In 1985, Bill C-31 changed those provisions and allowed Indian women to regain the status they had lost by marrying outside of their race. Many of these women have not been recognized by some Indian bands as these bands are concerned that a drastic increase in band membership as well as the resulting distribution of resources would be harmful to the stability of the band. Individuals who are not admitted to a band but are recognized by bill C-31 have status under the Indian Act.

Many people confuse status Indians with "Treaty Indians". A Treaty Indian is one who belongs to a band that has signed a treaty. This term is frequently used to describe status Indians who live in the prairie provinces. Similarly, non-status Indians may be referred to as non-Treaty Indians.

The "treaties" referred to in the definition of Treaty Indians are those agreements relating to war, cession of land, or economic affiliations which were signed by the government of the day and the Indian band. Under most treaties the Indians retained certain hunting, fishing or land rights and received economic benefits in exchange for signing the

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[8] Indian Act, R.S.C. 1985, c. I-5.

agreements. Each treaty differs from the others as they were negotiated as separate instruments. Thus, the benefits received by parties to the treaty vary according to the terms of each treaty.

Inuit

The Inuit people of Canada are not considered to be Indians within the meaning of the Indian Act and do not receive benefits under that Act. Despite the lack of federal legislation, the Inuit do receive some federally funded services through the Department of Indian and Northern Affairs. The Yukon Act[9] and the Northwest Territories Act[10] both make special provisions for the Inuit by allowing them to retain traditional hunting and fishing rights.

Inuit reside in small villages or towns which are organized in a manner similar to non-Aboriginal communities. The Inuit people are represented at a political level by several large Inuit organizations which assist in community development, land claims, and the delivery of services. The Inuit people make up a large percentage of the population of the Territories and play a major role in its development and management.

Metis

The Metis people of Canada are best described as people of mixed Indian and non-Indian blood. Although Metis people live in every area of Canada, they are most prominent and politically active in the prairie provinces and the N.W.T. The provincial and territorial governments are responsible for social, economic or political issues relating to Metis.

The N.W.T. and Manitoba both have legislation which gives the Metis certain hunting and land rights. In Alberta, the provincial government has given the Metis special status by reserving for them several large parcels of land. The settlements are administered by elected councils that operate like municipal councils.

The Constitution recognizes the Metis as an Aboriginal people with Aboriginal rights. The implications of that recognition and the definition of Aboriginal rights have not been defined. Provincial, territorial and national Metis organizations are presently pursuing involvement in constitutional discussions in an effort to determine the extent of those rights and the impact that they may have on Metis people.

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9 Yukon Act, R.S.C. 1985, c. Y-2.

10 Northwest Territories Act, R.S.C. 1985, c. N-27.

The 711,120 individuals who, in 1989, reported themselves to be of Aboriginal ancestry, constitute approximately 2.8% of Canada's population. Of that group, 263,230 were Status Indians, 23,465 were Inuit, and 415,030 were Non-Status or Metis. There are 604 Indian bands in Canada and 2,200 Indian reserves.[11] Most Indian and Inuit communities are located in rural and isolated areas of the country, and the majority Metis and Non-Status Indians live in larger, urban areas.

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[11] The statistical data has been provided by the Law Enforcement Branch, Secretariat, Ministry of the Solicitor General of Canada.

APPENDIX B

SOCIAL AND CULTURAL CHARACTERISTICS OF ABORIGINAL COMMUNITIES

This appendix discusses cultural characteristics of Aboriginal communities which are expected to impact the implementation of the problem oriented policing approach.

Crime reduction strategies for Aboriginal communities must be sensitive to the special characteristics of those communities. In particular, the strategies should reflect the communities' contemporary cultural identity, their views on the police, and their relations with non-Aboriginal communities.

Non-Aboriginals who are involved in the process must recognize that the communities may have their own views on the origins and potential solutions to problems. These views may not appear to be accurate to others involved in the process. However, they should be respected.

The following paragraphs discuss in a general sense some of the key cultural characteristics of Aboriginal communities. These should be considered and respected when considering the problem oriented policing approach and process.

Culture can be defined as the way of life of a group of people which is passed from one generation to another. Culture is not static. It evolves in response to externalities, such as socio-economic changes or the influence of other cultures. Culture evolves by retaining components of its existing characteristics, and combining them with those from external factors.

In the case of Aboriginal communities, varying degrees of traditional culture has been retained. The extent of the cultural change in each Aboriginal community will depend on several factors, including geographical location, level of contact with non-Aboriginal cultures, and the level of dependence on non-Aboriginal cultures for economic survival.

The extent to which traditional values and practices influence Aboriginal communities will depend on similar factors. In general, traditional values and practices continue to affect the organization, operation, and management of most Aboriginal communities. However, the influence of non-Aboriginal cultures can be seen in various aspects of contemporary Aboriginal culture. Each community's balance between non-Aboriginal culture and traditional practices and values will influence the development and implementation of the problem oriented policing approach in Aboriginal communities.

It is important to emphasize that the following discussion presents a very general perspective of a diversity of characteristics. Each Aboriginal community is different from another and will reflect some or all of the characteristics discussed to a greater or lesser extent. Furthermore, the discussion does not, and is not intended to reflect the complexity and diversity of Aboriginal communities and their characteristics.

a) Spirituality as the foundation of culture

In general, Aboriginal people consider their traditional culture and spirituality to be inseparable. Their spiritual beliefs are founded on the principle that all natural things are inter-connected and that the land is the primary source of strength and life. Aboriginal spirituality is governed by the notion of The Creator (Great Spirit; God) as the ultimate being with all other living things possessing a spirit. Man is only one of the living things on earth and as such, is required to respect the living creatures with which he lives.

Each Aboriginal culture uses mediums such as ceremonies, animals, symbols, and behaviourial traits to demonstrate certain aspects of that particular culture's spirituality. The exact nature of these mediums usually vary from culture to culture and within different communities of the same cultural grouping.

Aboriginal spirituality is an important consideration when attempting to develop a crime reduction approach in an Aboriginal community. Many Aboriginal communities view their culture and spirituality as one and the same. They open and close public forums by prayer, seek the advice of Elders who are considered to be "very spiritual" and use symbols or behaviourial traits as guide-posts in decision making processes.

Community meetings provide an example of how spirituality affects the community. Meetings are typically opened with a prayer which often asks The Great Spirit for guidance in the meeting. In the meeting, an Elder may use a certain symbol such as an animal or an eagle feather as an example of how certain problems should be approached or they may use the same object to convey a certain sense of office or power. For example, giving an eagle feather or item of traditional clothing to a guest speaker shows the trust and/or respect the community has in that speaker.

A person's familiarity with the mediums of a local culture can demonstrate a willingness to understand and accept the local culture.

b) The significant influence of Elders

The development of a crime reduction approach in an Aboriginal community must be conducted in a manner which is acceptable to the community as a whole. In order to obtain the community's support, certain influential individuals must support the process. In Aboriginal communities, the Elders play this role and lead the community in terms of spiritual, cultural, and social involvement.

Elders are highly respected in Aboriginal communities because they have experience and wisdom, which are highly respected qualities and considered to be valuable assets to the community. Band councils, Aboriginal political organizations, and Aboriginal social service agencies often rely on Elders for advice. It is common for them to be used as "sounding boards" for new ideas.

Elders are usually willing to pass on their knowledge and experience to others, through story telling, mediation of disputes, individual counselling, or participation in ceremonies. The passing on of knowledge is seen as a gift from the Elder to the one who receives the knowledge. Consequently, those who are seeking advice or information from a respected Elder often bring a gift for the Elder. The gift reflects both the value of the Elder's wisdom and the appreciation the individual has for the Elder.

The introduction of a new concept, such as problem oriented policing, should be made in consultation with the Elders of Aboriginal communities.

c) The importance of the community over the individual

Traditionally, Indian and Inuit people lived in small, closely related communities where all individuals had to work together to ensure the survival of the group. The survival of the group made it necessary for the rights and needs of the individual to be overshadowed by the needs of the group. A community member's actions could not be allowed to impair the group's ability to survive as a working unit. Community members had to support one another and failure to do so would bring shame on the individual responsible.

The importance of the community is still reflected in many contemporary Indian and Inuit cultures communities. The prominence of "gift giving" ceremonies in many Indian and Metis cultures reflects the value placed on sharing and the importance of good relations in the community. These views of materialism and ownership may influence certain communities' perception of crimes relating to property. To some, crimes such as theft or possession of stolen property may be viewed as less serious than to others.

The importance of the community is relevant to the problem oriented policing approach. Strategic responses should reflect the community's emphasis on self-preservation.

d) The value of traditional forms of control over behaviour

Values in Aboriginal communities will likely impact a community's perception or reaction to a problem. For example, the values of being non-judgemental or non-interfering may result in individuals failing to prevent self-destructive behaviour by others. These values are based on the principle that individuals are free to conduct their lives in the manner they choose and that others should not interfere unless they are affected.

It may be unusual for one person to directly tell another to perform a specific task or act in a certain manner. The person may be advised of the choices available and the resulting consequences. However, they are given the choice to do as they please. Therefore, the individual makes the choice and must live with the consequences, whether good or bad.

The values of non-interference in some communities could have a serious impact on the development of a problem oriented policing approach since the approach involves taking actions that interfere directly with the actions of others. However, the extent to which these values will be an obstacle will depend on the extent to which they influence key members of the community.

In many traditional Aboriginal communities, anti-social behaviour is dealt with in a non-punitive manner. Professor Coyle, in his article "Traditional Indian Justice in Ontario"[12], suggests that there are seven ways in which anti-social behaviour is dealt with. The following methods are applicable to many Aboriginal cultures:

- teaching of community values by Elders and other respected persons in the community;
- warnings and counselling by Elders and community leaders;
- use of ridicule and ostracism by the community to shame offenders and denounce inappropriate behaviour;
- banishment of repeat offenders;

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12 Coyle, Traditional Indian Justice in Ontario, A role for the present?; 24 Osgoode Hall Law Journal, 1986, York University, Toronto, Ontario.

- mediation and negotiation by Elders and community leaders, aimed at resolving disputes or reconciling offenders with victims;

- payment of goods or services as a means of compensation by the offender to the victim; and

- banishment, physical punishment, or deference to the victim or the victim's family for punishment.

The objective of the various methods appears to be one of community harmony and preservation of the community and its values. The practices of mediation and negotiation seem to play a significant role in the development of community harmony. The involvement of both the offender and the victim in the punishment process ensures that all affected parties contribute to the resolution of the problem. It is important to note that, in Aboriginal cultures, the victim and the community as a whole have a significant influence on the punishment imposed, compared to non-Aboriginal communities.

The practice of mediation and negotiation still continues today particularly in northern, isolated communities. In these communities, attempts are made to resolve problems between individuals or groups, and police intervention will only be called for when community efforts fail or the incidents is of a very serious nature.

Although no specific research has been completed in this area, the practice of mediation and negotiation may well contribute to the low reporting rate of crimes in Aboriginal communities. While the problems may be resolved in a satisfactory manner, the issue is never brought to the attention of those involved in the criminal justice system. Those who work in the system are often uninformed of community issues or problems and deal only with those of a more serious or unsolvable nature. Often, if the police are called in only when mediation and negotiation efforts fail, little can be done, the traditional methods were not successful.

The traditional forms of behaviour and social control can be proactive rather than reactive. The proactive nature of the social control aspects of Aboriginal culture should be considered as a tool that can be used to address modern social problems and to develop responses for a problem oriented policing approach.

e) Aboriginal views of historical non-Aboriginal influence

Many Aboriginal people believe the negative aspects of Aboriginal culture are attributable to non-Aboriginal influence. This is relevant to implementing the problem oriented policing approach in terms of understanding the history of some current fundamental problems. Also, many Aboriginal people have negative views of the influence from non-Aboriginals.

The primary historical influence results from non-Aboriginal societies' attempts to control the Aboriginal people by assimilating them into their culture through economic, religious and educational structures.

The non-Aboriginals and Aboriginal people traded tools, equipment, food and other items for furs and other natural resources. The tools and equipment made it easier for the Aboriginal people to gather more resources. As the trading increased, it became necessary for many Aboriginal people to give up their traditional, often nomadic ways of life to pursue the gathering of natural resources for trade. As a result, Aboriginal people became more dependant on the non-Aboriginal lifestyle and were less inclined to follow their traditional ways of life.

With the explorers and traders came representatives of non-Aboriginal religions. They attempted to convert the Aboriginal people to Christianity and in doing so were instrumental in having many Aboriginal cultural practices banned i.e. the potlatch in B.C. and the sun dance in southern Alberta. The justification for the banning of such practices was the belief that these activities were unchristian and therefore morally wrong. The banning of certain cultural practices was a means of speeding up the assimilation process.

Many Aboriginal leaders believe that a number of contemporary social problems, such as low self esteem, family violence, and substance abuse, are the result of the influences of the residential school system. During the early to mid 1900's Aboriginal children were required by law to attend the residential schools where they were forbidden to speak their native language or practice any Aboriginal customs. When they did return to their home communities they had lost their ability to speak their mother tongue and were unfamiliar with their community's and culture. Many believe that the influence of the schools has shaped their communities, families, and cultural structures. Many Aboriginal people believe that these factors reduced the community's ability to retain social control. Steps are being taken to address the resulting impact of those factors on Aboriginal culture in Canada.

Many of Canada's Aboriginal people now view their culture as a vehicle to revive their lost pride and sense of community. For example, the Alkali Lake Band relied on internal resources and their cultural structures to revive their community pride. As a result, alcoholism was reduced from approximately 95% to less than 10%.

Many Aboriginal communities now use Alkali Lake as an example of how the positive aspects of their culture can be used to address problems.

Although many current social problems may result from the influences of non-Aboriginal culture and historical events, it would be wrong to suggest that these are the cause of all criminal activity of Aboriginal people. This is supported by views

in most Aboriginal communities which consider anti-social behaviour (crime) as a choice made by individuals and that the individuals and not society are responsible for their actions.

Because of historical events, some Aboriginal people are reluctant to accept the services of non-Aboriginal organizations. This reluctance is based on a long history of imposed programs, loss of community power, and the implementation of programs without the involvement or consent of community leaders. Most communities have seen the arrival of service delivery agencies which start out being community oriented and, over time, become less involved in the community. Many of these programs eventually fail to assist significantly in the community. These failures have increased communities' scepticism towards new programs.

f) The relative importance of formal and informal authority structures

Two different types of authority structures can be found in most Aboriginal communities: The formal (legislation based) and the informal (community or culturally based). Both play significant roles in how a community operates and, although the two may be intertwined, they should be considered as separate entities with different roles in the community.

i) Formal Leadership

Traditionally, Aboriginal communities were led by individuals who held the respect of other members of the community. These individuals were often selected by consensus and led the community without making direct day to day decisions related to community actions. The individuals were usually Elders who had the wisdom and experience required to address issues important to the community.

Non-Aboriginal influence has altered somewhat the way by which community leadership is determined and the function it performs. Legislation such as the Indian Act and the Alberta Metis Betterment Act[13] set out how the political and administrative leaders are selected and what their roles are. The legislation also sets guidelines on how the functions of office should be performed. In some of the more traditional communities, leaders may still lead by consensus, even though such an approach may be contrary to the legislation.

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13 Metis Betterment Act, R.S.A. 1970, c.233.

The legislation often empowers the formal leadership of the community with limited subordinate legislative capacities. For example the Indian Act gives band councils the authority to make certain types of by-laws, such as business licensing, observance of law and order, prevention of disorderly conduct and nuisances, trespass, and alcohol use/consumption. The councils may also have the authority to set penalties of up to one thousand dollars and/or thirty days in jail. The federal government (through the Minister of Indian and Northern Affairs) has the right to accept or reject by-laws made under the Indian Act.

Formal leadership positions in Aboriginal communities are often held by younger, progressive members of the community. These members often have attended the non-Aboriginal education system and have experience in dealing with governments and bureaucracies.

ii) Informal Leadership

Most Aboriginal communities have an informal leadership structure which is more or less based on traditional culture. This type of leadership is often called the "hidden leadership" since it is less obvious to non-Aboriginals. This type of leadership varies from community to community.

Informal leaders are usually Elders. Their leadership usually extends to cultural/ spiritual and non-governmental aspects of the community. They are often the key elements of community institutions involved in rebuilding or exercising certain aspects of traditional culture. They often view the revival of their culture as a precondition to improving political and economic conditions in the community.

In many instances, the women of a community are the informal leaders. They are often the major influence behind projects involving the development and implementation of Aboriginal social programs. In some communities, this leading role of women is based on tradition.

In some Aboriginal communities, the views of different leaders conflict, primarily traditional and progressive individuals with different views of how the community should evolve. Proponents of opposite views may also disagree as to how the community should approach a problem, and whether efforts should emphasize social, economic, or political problems. Often, these disagreements may impair the effectiveness of all leaders in a community.

It is important to note that the disagreements are not always between formal and informal leaders. Rather, they are between leaders of different age groups or between those of different political or social philosophies.

In order to provide a realistic overview of Aboriginal communities it must be noted that community leaders can also be affected by the same social problems as are other members of the community. Alcoholism and negative experiences with the criminal justice system may influence the relationship the community leaders have with the police. Such problems must be addressed on an individual rather than community basis.

The problem oriented policing approach should be considered in light of both the formal and informal views of leadership and the influence each has in the individual communities. Representatives from both groups should be involved in the problem oriented policing process to ensure that a broad range of community perspectives are involved, and that key elements of the communities and their cultures are reflected.

g) The unevenness of socio-economic conditions

Most Aboriginal communities are not economically self-sufficient and are dependent on various forms of government support for income assistance, housing, and community services. The lack of economic self-sufficiency is largely due to the loss of traditional methods of income generation. Most Aboriginal people live below the poverty line.

A small number of Aboriginal communities have sufficient natural resources to sustain a local industrial economy. These communities can afford to diversify, create other economic opportunities and improve the local economy. Greater financial resources has also enabled some communities to develop community recreational, educational, and professional services not available to other communities.

Some Aboriginal groups also have opportunities based on treaties, legislation and negotiated settlements. For example, health care, housing and educational subsidies, and special governmental funding for program development and implementation can be used by Aboriginal leaders to address issues in their communities. The type and availability of benefits depends on the individual Aboriginal group and its legal status.

An alarmingly high rate of illiteracy exists in the adult population of many Aboriginal communities. In some instances this has created other problems in terms of the employability of individuals and rehabilitation programs for offenders and substance abusers. Governments and Aboriginal communities have responded by providing

programs to address the educational, employment, and "life skill" needs of adult Aboriginal people. These programs are considered to be successful by some. A decline in high school drop out rates and an increase in enrolment at post-secondary institutions has been attributed to these programs.

Programs such as those noted above are significant to the problem oriented policing approach since they may provide educational resources to help address problems.

h) Aboriginal frustration with the criminal justice system

Some recent studies have concluded that the Canadian criminal justice system has often not been responsive to the needs of Aboriginals. While the nature of the system is changing, many Aboriginal people still view it as an unfair, unfamiliar, and overly complicated. Since the police are usually the communities' most significant contact with the criminal justice system, they often experience first hand a community's frustrations with the system. They are often criticized for many of the problems of the system, most of which they have little influence over.

In many communities the police and other agencies, such as native court workers, have worked together to educate the community on how the system works and the roles of the various components of that system. For instance, many native friendship centres across the country have worked with the police in their communities to develop public information sessions which serve to explain the system. These efforts have helped to decrease frustration and assisted Aboriginal people in using the system to the benefit of the community. Frustration with the police decreases as the community begins to understand that the police are not responsible for the system's inadequacies.

Examples can be found where communities have benefitted from a greater understanding of the criminal justice system. An example involves a northern Alberta community which had been declared "dry" under Indian Act by-laws. One faction of the community wanted to lift the ban on alcohol in the community while the more progressive faction recognized that a ban on alcohol did little to reduce consumption. The two factions often clashed with very negative results, with the police often being the target of their discontent because they were responsible for enforcing the by-law. Eventually, the two factions were brought together by the police and an aboriginal service organization and they were explained the operation of the system and the role of police in enforcing the ban. As a result, the ban remained in place but there was an increased level of cooperation between the two factions and the police.

Often, the police do not understand why the community does not support their efforts to reduce crime and enforce the law. Many concerns, including the limited potential for police protection, cultural tendencies not to interfere with others, and limited resources may impede many communities from participating in crime reduction strategies. Police officers must be willing to accept these concerns and that some are beyond the scope of the police officer's role.